

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

TIMOTHY L. STEVENS

PLAINTIFF

VS.

CIVIL ACTION NO. 5:13-cv-116(DCB)(MTP)

CITY OF VIDALIA, BY AND THROUGH
ITS AGENT FOR SERVICE OF PROCESS,
ITS MAYOR, HON. HIRAM COPELAND; AND
CHARLIE C. ROGERS, INDIVIDUALLY

DEFENDANTS

ORDER

This cause is before the Court on defendants City of Vidalia and Charlie C. Rogers' Motion to Dismiss for Failure to Comply with Court's Order of March 17, 2014, or alternatively Renewed Motion to Dismiss for Insufficient Service of Process (**docket entry 12**). Having carefully considered the motion, to which no response has been filed, and being fully advised in the premises, the Court finds as follows:

On July 2, 2013, the plaintiff Timothy L. Stevens filed suit in Adams County Circuit Court against the City of Vidalia, Louisiana, and Charlie C. Rogers for injuries the plaintiff claims he sustained in a July 2, 2010, car accident in Natchez, Mississippi. Almost one year following the filing of his suit, the plaintiff has yet to serve process on the defendants; nor, despite invitation by the Court, has the plaintiff shown good cause for his failure to do so.

By Order of March 17, 2014, the Court allowed the plaintiff fourteen (14) days from the date of entry of the Order to serve

process. The deadline has long passed, and the defendants seek dismissal with prejudice. Out of an abundance of caution, the Court shall allow the plaintiff thirty (30) days from the date of entry of this Order to serve the defendants or explain how he is prevented from doing so. As mentioned in the Court's previous order, a relevant factor is whether the delay in service of process is attributable to the plaintiff's attorney or to the plaintiff himself. Plaintiff's counsel is ordered to respond within thirty days. In addition, if he is no longer representing the plaintiff, he must so notify the Court within the same time period, as well as notify his client. Failure to comply with this Order could result in dismissal of this action.

Accordingly,

IT IS HEREBY ORDERED that defendants City of Vidalia and Charlie C. Rogers' Motion to Dismiss (**docket entry 12**) is DENIED WITHOUT PREJUDICE;

FURTHER ORDERED that the plaintiff shall have thirty (30) days from the date of entry of this Order to serve process or otherwise comply with the terms of this Order as set forth above. Failure to do so could result in dismissal of this action.

SO ORDERED, this the 26th day of June, 2014.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE